



# Brian D. Schneider

PARTNER

Brian is a trusted business advisor and litigator for trade associations, cooperatives, and tech firms.



## Industries

[Nonprofits & Associations](#)

## Practices

[Complex Litigation](#)

[Antitrust & Competition Law](#)

## Education

Vanderbilt University Law School, JD

Tufts University, BA, Quantitative Economics

## Offices

[Washington, DC](#)

## Phone

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Brian uses his experience as a management consultant to craft legal strategies that pursue clients' business objectives, partnering with clients to creatively navigate corporate strategy, resolve disputes, negotiate key contracts, and implement compliance course corrections.

Clients look to Brian to manage day-to-day and emergent challenges, whether dealing with litigation, addressing good-governance practices for boards, or navigating a leadership change.

For emerging and established trade associations, foundations, multiple listing services (MLSs), and technology firms, Brian works as outside general counsel alongside clients' leadership, boards, and staff to advise on strategic objectives and manage legal tasks in line with their business plans. He advises on governance, antitrust, contracting, intellectual property, litigation, and operational matters, leveraging ArentFox Schiff's team to deliver a full range of legal expertise. Brian delivers custom solutions for clients in diverse industries, including auto parts, higher education, finance, food, health care, real estate, retail, and SaaS.

Clients and their in-house counsel trust Brian to manage litigation and other disputes in the court room and at the negotiating table, with an emphasis on balancing dispute resolution with business objectives. Brian has extensive experience coordinating clients' strategies in response to litigation, subpoenas, and investigations stemming from antitrust allegations, contracts, and nonprofit laws. Brian litigates antitrust, fiduciary breach, and contract actions. He has navigated litigation involving claims by antitrust plaintiffs and association members, high-stakes contract disputes, complex federal and state regulatory schemes, reimbursement from commercial payers, class actions, and international arbitrations.

## Client Matters

### Trade Associations, MLSs, and Technology Firms

- Co-chairs the firm's Associations and Nonprofits group.
- Serves as outside general counsel to trade associations, foundations, multiple listing services

(MLSs), and technology firms, counseling them on antitrust compliance, governance, membership, contracts, trademark strategy, employment matters, and risk management.

- Advises on vendor and partnership relationships by crafting and negotiating contracts that protect business interests.
- Partners with leadership, in-house counsel, and staff to develop practical solutions to address risks in advance.
- Manages workflows to align with clients' service and budget needs.

### **Antitrust Counseling**

- Advises clients across industries on collaborative conduct and pricing strategy.
- Serves as antitrust counsel at industry meetings, to facilitate discussion and engagement.
- Crafts resale price and related marketing strategies.
- Pursues and defends against antitrust and false advertising claims.

### **Litigation**

- Aggressively litigates antitrust, breach of contract, class actions, and other commercial disputes in court and in domestic and international arbitrations, regularly appearing before judges, arbitrators, and mediators.
- Pursues millions in health care provider reimbursements from commercial benefit plans, pursuing ERISA-based remedies as well as state-law contract and common law claims, in addition to defending against overpayment and recoupment claims.
- Obtained a unanimous decision from the Indiana Supreme Court on preemption issues governing health care network contracts, arguing the case before each level of appellate court.
- Represents trade associations in disputes with members, vendors, employees, and directors.
- Defending MLSs against antitrust claims in *PLS.com v. NAR et al*, C.D. Cal. 2:20-cv-04790.
- Defending REALTOR® and MLS associations against antitrust claims challenging cooperative compensation paid by brokers.
- Defended a radiology practice alleged to have conspired with a benefit management company in violation of the Sherman Act in *Eastside Medical Radiology, et al* (S.D.N.Y.).
- Pursued on a pro bono basis the civil rights claims of a class of District of Columbia nursing facility residents in *Brown, et al. v. D.C.* (D.D.C.).
- Manages investigations and litigation in response to civil subpoenas and Department of Justice investigations related to:
  - Association activities;
  - Real estate information (MLS data);
  - A leading medical equipment manufacturer and its relationship with hospitals and durable medical equipment suppliers;
  - A distributor of medical supplies and its relationship with manufacturers;
  - A therapy services provider's Medicare billing; and
  - A nonprofit's relationship with manufacturers and distributors.

## **Publications, Presentations & Recognitions**

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Brian is a frequent writer and speaker on compliance and litigation matters.

- Named a DC Rising Star by *Super Lawyers Magazine*
- Named to the *Legal 500* of top DC lawyers
- Co-editor of *Health Care Litigation and Risk Management Answer Book 2015*, a comprehensive and definitive book for health care industry leaders focused on risk management and litigation. Brian co-authored chapters on government investigations, antitrust litigation, and

pricing.

- Delivers trainings and workshops on antitrust trends and strategies, including competitors' cooperative strategies, how to integrate Robinson-Patman Act compliance into pricing strategy, and resale price maintenance (RPM) and minimum advertised price (MAP) tactics.
- Presenter and author of articles impacting the auto parts, credit counseling, higher education, and college store industries.

## In the News

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Brian has been quoted or interviewed in the following articles:

- “Advice For Real Estate Professionals As \$418 Million Settlement Rules Take Effect,” *The Mortgage Note*, August 12, 2024
- “What to Keep in Mind as NAR’s ‘Remarkable Deal’ Becomes Reality,” Stephanie Reid-Simons, *Real Estate News*, July 21, 2024

## Previous Work

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Brian has proudly spent his entire legal career at ArentFox Schiff, starting as a summer associate during law school.

Prior to law school, Brian was a management consultant, providing clients with a range of strategic guidance involving pricing, marketing initiatives, acquisition analysis, and research and development planning.

During law school, Brian interned with the Honorable Thomas A. Wiseman of the US District Court for the Middle District of Tennessee and with the Commercial Litigation Branch of the US Department of Justice.

## Life Beyond the Law

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Brian spends his free time with his wife laughing with their two daughters as they grow up in the District.

## Bar Admissions

[District of Columbia](#)

[Maryland](#)

## Court Admissions

[US District Court, District of Maryland](#)

[US District Court, District of Columbia](#)

[US Court of Appeals, 7th Circuit](#)